

MONDAY, Jan. 11, 1858.

The Senate met pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

The Journals of Thursday and Saturday were read and adopted.

Mr. Herbert presented the memorial of the Texas Orphan Asylum; referred to the committee on Education.

Mr. Russell, chairman of the committee on Engrossed Bills, reported a bill to authorize the sale of the public domain, correctly engrossed.

Mr. Potter, chairman of the committee on the Judiciary, made the following reports:

The Judiciary committee have considered a bill to amend an act to regulate proceedings in the District Court, passed May 13, 1846, and the act concerning proceedings in the District Court, passed March 16, 1848; also an act supplemental to the act of May 13, 1846, entitled an act to regulate proceedings in the District Courts, and a majority of the committee direct me to report a substitute for the two bills referred, under the title of An act further regulating proceedings in the District Courts, and recommend its adoption and passage.

The Judiciary committee have considered a bill amendatory of an act regulating Juries, approved May 4th, 1846, and recommend its passage.

Mr. Potter, from the committee on State Affairs, made the following reports:

The committee on State Affairs have considered a bill supplemental to and amendatory of an act making provisions for running and marking the boundary line between the State of Texas and the Territories of the United States, and a majority of the committee direct me to return the bill to the Senate and recommend its passage.

Mr. Stockdale, from the committee on Internal Improvements, made the following reports:

The committee on Internal Improvements, to which was referred a bill making appropriations for the improvement of Sulphur Fork and Colorado Rivers, have considered the same and direct me to recommend its passage with the following amendments:

Amend the title of the bill so as to make it read:

“An act making appropriations for certain Rivers and Bays.”

Strike out all between the word "Colorado," in the 9th line, and the word "Bay," in the 12th line, and insert:

"The further sum of \$9,000 is also hereby appropriated for the purpose of deepening the channel through Dog Island Bar in Matagorda Bay, and the Bar at the mouth of Powderhorn Bayou, and the channel thereof; five thousand dollars of said \$9,000 shall be appropriated to the improvement of Dog Island Bar, and the residue to Powderhorn Bayou as aforesaid."

Mr. Stockdale, from the committee on Internal Improvements, made the following report:

The committee on Internal Improvements, to which was re-referred the bill to incorporate the Eastern Texas Railroad Company, has had the same, with the amendment proposed by Senator Russell, which was before the Senate when the bill was referred, under consideration, and the committee instruct me to report: That they do not deem it advisable to amend the bill as proposed by Senator Russell. The committee believe that Marshall is a proper *terminus* for the road. But if it were otherwise, they believe that it is proper, where a *terminus* can be established by the Legislature, that it should be designated. They therefore recommend that the amendment be rejected. The committee recommend the passage of the bill with amendments. The committee instruct me to say that in recommending the passage of this bill, they do not intend to recommend the principle of making a deposite in the Treasury of the State, before the franchises, granted by the charter, shall vest, as a principle to be generally substituted, in legislating upon this subject, for that heretofore established. The case under consideration presents features peculiar to itself. The Corporators are to receive the franchise to themselves, for the reason that they were parties interested in the Mexican Gulf and Henderson Railroad Company, whose charter has been forfeited. It was made known to the committee that the last named Company had expended considerable means in grading the line of road which is adopted by the Corporators of this bill, and that they would use such grade, and the means of the old company, in the construction of the road under the bill. In this case it appeared to the committee, that the mode proposed was necessary to procure good faith in the execution of the proposed work, by the members of the corporation under this bill. The persons named in the bill being non-residents, it was deemed by the committee that

the amplest security should be demanded, before the franchise asked for should vest.

It is deemed by the committee, that under usual circumstances, where the road is to be set on foot, and the improvements commenced by citizens of the State, who are locally interested, that it is ample security to the State as to the good faith of the projectors of such improvement, that Commissioners known to the Legislature be appointed to organize the company, and receive subscriptions of stock, requiring a sufficient amount of stock, with *five per cent.* advance paid to the Commissioners, to grade one or more sections of the road, before the company shall be organized.

It is believed by the committee, that except in special instances, and for special and peculiar reasons, such as exist in this case, charters should not be granted to others than citizens; but that where it is a laudable and practicable project, it should, as far as it will not interfere with other improvements in progress, be the policy of the State to afford the largest facilities, consistent with good faith to the people in their railroad improvements. All of which is respectfully submitted.

Mr. Erath offered the following resolution:

*Resolved*, That a special committee be raised to take into consideration the recent murders and depredations committed on our frontier by Indians, and their allies, and if found expedient to report a bill memorializing the federal government to change its policy in the management of Indian affairs in this State, and to represent the true condition and effects of the present course pursued by its officers, and recommend a plan for the better protection of our frontiers—adopted.

Messrs. Erath, Scarborough and Throckmorton were appointed said committee.

On motion of Mr. Guinn, Messrs. McCulloch and Britton were added to the committee.

A message was received from the House, informing the Senate that the House had passed a Senate's bill to incorporate the Preachers Aid Society of the East Texas Conference.

On motion of Mr. Guinn, the Senate's bill amendatory of and supplemental to an act to ascertain legal claims for money and lands against the State, passed August 1st, 1856, with amendments from the House, was taken up and read.

On motion of Mr. Quinan, the bill and amendments were referred to the committee on the Judiciary.

Mr. Taylor of Houston, chairman of the committee on Enrolled Bills, reported

A bill to incorporate the Lynchburg Steam Saw Mill, and Shipyard Company; and

A bill to incorporate the city of Indianola, correctly enrolled, properly signed, and this day presented to the Governor for his approval.

Mr. Burroughs, from the joint committee to examine the books and accounts of the Treasurer and Comptroller made the following report:

The joint committee to examine the books and accounts of the Treasurer and Comptroller, have discharged the duty assigned them, and submit the result of their labors. The committee obtained from the Comptroller a statement of the amount the Treasurer should account for, to wit:

Amount for which the Treasurer is responsible on the 5th of Jan., 1858, as per statement of Comptroller, - - - - -	\$3,634,998.11
In addition the Treasurer exhibited indebtedness to the cash clerk of the Land Office, for money received therefrom, which has not yet been officially deposited, but for which the Treasurer's unofficial receipt is outstanding, amounting to - - - - -	18,916.05
Also special deposit by private hands for the purchase of January coupons, the sum of -	5,589.12
<b>Making total indebtedness of Treas'r amount to</b>	<b>3,659,503.28</b>
To meet this, the committee find in the vaults of the Treasury, United States 5 per cent. bonds, - - - - -	3,214,000.00
Railroad bonds, - - - - -	210,000.00
Treasury warrants paid, - - - - -	177,576.59
Public debt certificates paid, - - - - -	5,181.82
Receipts for pay and mileage of members, and pay of officers of the present Legislature, -	33,990.90
In gold and silver, - - - - -	18,753.96

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3,659,503.28

The books and accounts in both offices appear to be well kept. They are written in a plain clerical hand, free from

blotches and stains. The accuracy of the calculations made in them, so far as examined, were found to be correct.

The system adopted in each office, of keeping books, is a check upon the other, and mistakes or errors committed in one will be corrected in the other.

(Signed.)

J. M. BURROUGHS,  
J. W. THROCKMORTON,  
On the part of the Senate.  
J. W. HENDERSON,  
R. H. WARD,  
M. F. LOCKE,

On the part of the House.

Mr. Potter introduced a bill for the relief of the Houston Texas Central Railway Co.; read 1st time.

On motion of Mr. Potter, the rule was suspended, bill read a second time and ordered to be engrossed.

On motion of Mr. McCulloch, the rule was further suspended, bill read a third time, and passed by the following vote:

YEAS—Messrs. Britton, Burroughs, Caldwell, Erath, Fall, Grimes, Guinn, Herbert, McCulloch, Maverick, Pedigo, Pirkey, Potter, Quinan, Scarborough, Shepard, Stockdale, Throckmorton, Truitt, Wigfall, and Wren—21.

NAYS—Messrs. Martin, Russell, Taylor of Cass, Taylor of Fannin, and Walker—5.

Mr. Britton introduced a bill to readjust the boundaries between Nueces and San Patricio counties; read first time.

On motion of Mr. Britton, the rule was suspended, bill read a second time, and ordered to be engrossed.

Rule further suspended bill read a third time and passed.

Mr. Caldwell introduced a bill authorizing the sale of the interest of R. C. and Mary Marston in certain lots in the city of Austin; read first and second times, and referred to the committee on the Judiciary.

On motion of Mr. Pedigo, the rule was suspended, and the report of the committee on Internal Improvements, on a bill to incorporate the Eastern Texas Railroad Company, offering amendments thereto, was taken up and read, and amendments offered by the committee were adopted.

Mr. Russell offered the following as an amendment in lieu of the amendment offered by him when the bill was under consideration before:

Strike out "Marshall" and insert "thence due North as nearly as practicable till it connects with the Southern Pacific

Railroad, or reaches the designated line of said road; adopted by the following vote:

YEAS—Messrs. Caldwell, Erath, Fall, Grimes, Guinn, Lott, McCulloch, Martin, Potter, Russell, Taylor of Fannin, Taylor of Houston, Throckmorton, Truitt, and Wren—15.

NAYS—Messrs. Britton, Burroughs, Graham, Herbert, Hyde, Maverick, Pedigo, Pirkey, Quinan, Scarborough, Stockdale, Taylor of Cass and Wigfall—13.

Mr. Taylor of Houston offered the following proviso to section 2:

*Provided*, This railroad shall connect with the Galveston, Houston and Henderson railroad at some point west of the Angelina River—rejected.

Mr. Taylor of Houston offered the following amendment:

“Sec. —. This railroad so soon as it approaches within twenty miles of the track of the Galveston, Houston and Henderson railroad, shall connect with said last named road, or in the event of their failing or refusing to do so, said Eastern railroad shall not be entitled to the benefits of the general law granting 16 sections of land per mile to railroads, nor to the benefit of the law loaning the school fund to railroads, for any portion of said Eastern Texas railroad that may be constructed within less than thirty miles of the line of the Galveston, Houston and Henderson railroad.”

Rejected by the following vote:

YEAS—Messrs. Erath, Guinn, Herbert, McCulloch, Potter, Quinan, Russell, Shepard, Stockdale, and Taylor of Houston—10.

NAYS—Messrs. Britton, Burroughs, Caldwell, Fall, Graham, Grimes, Hyde, Lott, Martin, Maverick, Pedigo, Scarborough, Taylor of Cass, Truitt, Walker, Wigfall and Wren—17.

On motion of Mr. Russell, the vote adopting the amendment offered by him was reconsidered, and the amendment withdrawn.

Mr. Lott moved to amend the bill by striking out “Marshall” and inserting “Henderson” as the northern terminus of the road.

Mr. Potter called for a division of the question, and the motion to strike out “Marshall” prevailed.

On motion of Mr. Scarborough, the Senate adjourned until to-morrow morning 10 o'clock.